

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-6312-CR-ROETTGER

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERMAINE WILLIAMS and
LOWEN ESPINUEVA,

Defendants.


NIGHT BOX
FILED

MAY - 3 2001

CLARENCE MADDOX
CLERK, USDC/SDFL/FTL

GOVERNMENT'S UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL DATE

Comes now the United States of America by and through the undersigned Assistant United States Attorney and files this government's unopposed motion for continuance of trial date and in support thereof states as follows:

1. On October 20, 2000, at approximately 6:40 am, two Brinks armored car drivers arrived at the Citibank Automatic teller machine (ATM) located at 2789 University Drive in Coral Springs ,Fl. As the guards were entering the ATM to supply the machine with money belonging to Citibank, Inc. they were ambushed by two males. The men drove up in a red Honda and armed with a 12 guage shotgun and a 9mm semiautomatic pistol shot without warning from the car. The guards were hit in the back and neck area by shot gun pellets. One of the guards, although seriously injured, was able to return fire emptying his service revolver into the red Honda. After being shot at by the guard, the robbers sped away without obtaining any money from the guards. Citizens notified the police of the shootings and the condition of the guards laying on the pavement. One of the guards saw the robbers

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flee the scene of the assault in a red automobile. No money was taken.

2. At Approximately 7:00am, a Coral Springs Police Officer located a Red 1983 Honda Civic, the vehicle believed to be used during the commission of the robbery, two blocks from the shooting scene. The car was running with the doors ajar. The vehicle had numerous blood stains and blood splatters throughout the vehicle. Located on the dashboard was what appeared to be a "dred" lock piece of human hair braid with blood and skin laying on the dash board near the vin number. Also recovered from the vehicle were a Mossberg 12 gauge shot gun with 2 live shells and three spent shells and a 9mm semiautomatic pistol loaded with eight rounds with one round in the chamber. A spent 9mm shell were found on the ground at the scene of the shooting. Investigation determined that the car had been stolen in Coral Springs, FL on October 12, 2000. Latex gloves were recovered on the ground next to the vehicle. There are entry marks near the rear passenger door consistent with bullet entry and there were blood splatters in the vehicle. Additional blood splatters were located on the front windshield and both seats. Drops of blood were also located on the steering wheel cover, the driver's door handle and the carpet on the driver and passenger sides. Latex gloves were recovered in and around the vehicle.

3. At approximately 7:55 am Westside Hospital Plantation, FL contacted the police and advised that they had a male patient for treatment of a gunshot wound to the head. Witnesses advised that the man had been dropped off at the hospital by a white female driving a black Honda. The police arrived at the hospital and interviewed the patient, JERMAINE WILLIAMS, who advised that he had been driving on the Saw Grass expressway when he pulled over to the side of the road to urinate. WILLIAMS further advised that he felt a hot burning sensation on his head area and realized that he must have been shot. William advised that he drove to the hospital for treatment. The bloody dred lock found on the dash board in the red Honda matched the color, texture, length and style of the dred locks worn by WILLIAMS. WILLIAMS and LOWEN ESPINUEVA were arrested and subsequently

indicted by a federal grand jury for Hobbs Act robbery and use of a firearm during the commission of a

violent felony.

4. The government agents immediately began processing the enormous amount of physical evidence in this case. The government had to obtain a court order to obtain blood samples of defendant Williams' blood . The order was obtained on November 30, 2000. DNA examination was requested of the FBI lab and samples were sent up December 7, 2000. Due to the terrorist bombing of the U.S.S. Cole at Yemen, in the middle east and the subsequent investigation and classification of the victim servicemen and servicewomens' DNA, the forensic DNA analysis unit at the FBI lab was extremely backlogged. On May 3, 2000, Alice Isenberg, forensic examiner DNA analysis unit at the FBI lab advised that she needs approximately additional two weeks to finalize the sequencing of the submitted DNA evidence and issue her report.

5. On May 3, 2001, pursuant to local rule 88.9, the undersigned contacted Darryl Wilcox, Assistant Federal Public Defender representing Defendant Williams and Barry Wax, attorney for Defendant Espinueva to determine their positions on the proposed motion. When advised of the government's motion, AFPD Wilcox and Mr Wax, advised that they did not oppose the government's motion for a continuance and would be filing their own motions' for continuances.

6. This case is somewhat unusual in the federal system as it is reactive and not the result of a long term investigation that usually preceeds the indictment. The government, without any prior knowledge of these defendant had to file a complaint the day the defendants were arrested. The investigators began processing the extensive forensic evidence in the case immediately and has been working up the case for prosecution ever since. The interest of justice require that all parties be permitted to review the DNA results which are expected to be disclosed shortly.

Wherefore, based on the above, the undersigned respectfully requests that this Honorable court grant the government's unopposed motion for a continuance of trial date.

Respectfully Submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By 
THOMAS P. LANIGAN
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was mailed this 4th day of May to the following: AFPD Darryl Wilcox 111 N. 3rd avenue, Fort Lauderdale, Florida and Barry Wax, Esq., 201 South Biscayne Blvd. Suite 1950 Miami, Florida 33131.


THOMAS P. LANIGAN